



WEB COPY

C.R.P.Nos.5021 & 5025 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.Nos.5021 and 5025 of 2024

and C.M.P.No.28188 and 28191 of 2024

The Tamil Nadu Mercantile Bank Limited,
Represented by its Chairman,
No.57, V.E.Road,
Tuticorin-628 001.

... Petitioner in both petitions

Vs.

1.M.Thavamani
2.T.Suseela
3.Rekha @ Anuja
4.T.Manoj

5.The Nadar Mahajana Bank Share Investors Forum,
Represented by its Chairman,
Malaimurusu Building,
No.246 (Old No.712),
Thousand Lights, Anna Salai,
Chennai-600 006.

... Respondents in both petitions

PRAYER in C.R.P.No.5021 of 2024: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 14.06.2023 passed in I.A.No.1 of 2023 in O.S.No.2360 of 2022 by XXIII Additional City Civil Court, Chennai.



PRAYER in C.R.P.No.5025 of 2024: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 05.08.2023 passed in I.A.No.2 of 2023 in O.S.No.2360 of 2022 by XXIII Additional City Civil Court, Chennai.

In both petitions

For Petitioner : Mr.S.Sethuraman

For Respondents : Mr.C.Umashankar for R1 to R4
Mr.K.Mohanamurali for R5

COMMON ORDER

These Civil Revision Petitions are preferred by the revision petitioner aggrieved by the orders impleading them as the second defendant in O.S.No.2360 of 2022 and amending the plaint in the said suit.

2. The specific contention of the learned counsel appearing for the revision petitioner is that the Bank was not given any opportunity to contest the impleading and amendment applications and without even requiring a counter by the Bank, the enquiry has been proceeded between the plaintiffs and the first defendant and the orders came to be passed. The Bank attempted to seek review of the order passed in I.A.No.1 of 2023 in O.S.No.2360 of 2022, though belatedly and the application filed under Section 5 of the Limitation Act seeking condonation of delay in preferring



the review petition was dismissed. Therefore, the present revisions have been filed.

WEB COPY

3. Mr.S.Sethuraman, the learned counsel appearing for the revision petitioner states that originally when the suit was pending before this Court, the Bank was arrayed as the second defendant. However, pursuant to a compromise, the second defendant was given up and the Bank has also chosen to withdraw the recovery proceedings against the parties before the Debt Recovery Tribunal. Therefore, it is now contended that having voluntarily agreed to give up the Bank, the Bank cannot be now impleaded and no relief can be sought for as against the Bank.

4. However, the learned counsel appearing for the respondent Nos.1 to 4 /plaintiffs would state that the plaintiffs are also seeking an additional relief by way of mandatory injunction which is directed against the proposed party, namely, the Bank and the trial Court has rightly considered all these issues while ordering the impleadment and amendment applications.



WEB COPY

5. Be that as it may, in view of the fact that the impugned orders in I.A.Nos.1 and 2 of 2023 do not reflect that the Bank has been heard or was given an opportunity to file a counter and oppose the impleading and amendment petitions, on this limited ground, I am inclined to set aside the orders passed in I.A.Nos.1 and 2 of 2023 in O.S.No.2360 of 2022. The matters are remitted to the XXIII Additional City Civil Court, Chennai, to conduct fresh enquiry by affording an opportunity to the Bank to file a counter in I.A.Nos.1 and 2 of 2023. The applications shall be decided within a period of 30 days from the date of receipt of a copy of this order, without being influenced by any of the observations that have been made herein above.

6. Accordingly, these Civil Revision Petitions are allowed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

16.07.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

ssb



C.R.P.Nos.5021 & 5025 of 2



To

The XXIII Additional City Civil Court, Chennai.

WEB COPY



WEB COPY

C.R.P.Nos.5021 & 5025 of 2



P.B. BALAJI,J.

ssb

C.R.P.Nos.5021 and 5025 of 2024
and C.M.P.No.28188 and 28191 of 2024

16.07.2025